



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U. S. application of:) Before the Examiner
Hai H. Trieu) (Unassigned)
Serial No. 10/717,687)
Filing Date: November 20, 2003) Group Art Unit 3738
METHOD AND APPARATUS FOR)
DELIVERING AN INTERVERTEBRAL)
DISC IMPLANT) March 22, 2004

INFORMATION DISCLOSURE STATEMENT

Mail Stop DD
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to the duty of disclosure embodied in 37 C.F.R. §1.56, Applicants wish to bring to the attention of the Examiner the items listed on the enclosed Information Disclosure Statement (PTO Substitute Form for 1449A). This information has not been previously submitted in this application, and has not been heretofore cited by the Examiner. As the references listed on the above-referenced PTO forms were cited in the parent case, U.S. Patent Application Serial No. 09/650,525, copies of the references are not included herein.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313 on:

March 22, 2004

(Date of Deposit)

Timothy N. Thomas

Name of Registered Representative



Signature

March 22, 2004

Date of Signature

The identified information, taken alone or in combination with other art, provides information relating to the subject matter of the invention, but fails to teach, disclose or suggest the present invention. The filing of this Information Disclosure Statement shall not be construed as an admission that the information cited is, or is considered to be, material to patentability as defined in § 1.56(b).

This Statement is being submitted prior to the mailing of any Office Action on the merits. It is believed that no fee is required for consideration of the submitted items. However, should any fee be required, please charge such fee to Deposit Account No. 23-3030, but not to include any payment of issue fees.

Respectfully submitted,

By: Timothy N. Thomas
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Applicant's Substitute for 1449A⁷

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet

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of

3

Complete if Known

Application Number	10/717,687
Filing Date	November 20, 2003
First Named Inventor	Hai H. Trieu
Group Art Unit	3738
Examiner Name	

Attorney Docket Number

4002-3111/PC817.00

U.S. PATENT DOCUMENTS

Examiner Initials ⁸	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ⁹ (if known)			
		3,867,728		Stubstad et al.	02-25-1975	
		3,875,595		Froning	04-08-1975	
		4,202,055		Reiner et al.	05-13-1980	
		4,283,799		Pratt, Jr. et al.	08-18-1981	
		4,349,921		Kuntz	09-21-1982	
		4,428,082		Naficy	01-31-1984	
		4,454,612		McDaniel et al.	06-19-1984	
		4,663,358		Hyon et al.	05-15-1987	
		4,772,287		Ray et al.	09-20-1988	
		4,863,477		Monson	09-05-1989	
		4,904,260		Ray et al.	09-27-1990	
		4,911,718		Lee et al.	03-27-1990	
		4,917,704		Frey et al.	04-17-1990	
		5,002,576		Fuhrmann et al.	03-26-1991	
		5,035,716		Downey	07-30-1991	
		5,047,055		Bao et al.	09-10-1991	
		5,071,437		Steffee	12-10-1991	
		5,108,438		Stone	04-28-1992	
		5,147,646		Graham	09-15-1992	
		5,171,280		Baumgartner	12-15-1992	

FOREIGN PATENT DOCUMENTS

Examiner Initials ⁸	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number	Kind Code ⁹ (if known)				
		WO 90/11740			Bosch	10-18-1990		
		WO 95/31946			Smith & Nephew PLC	11-30-1995		
		WO 96/01598			Smith & Nephew PLC	01-25-1996		
		EP0700 671A1			Howmedica, Inc.	03-13-1996		
		WO 97/26847			Advanced BioSurfaces	07-31-1997		
		WO 00/13619			Spinal Dynamics Corp	03-16-2000		
		WO 00/13620			Spinal Dynamics Corp	03-16-2000		

Examiner Signature	Date Considered
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⁷EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ²See attached Kinds of U.S. Patent documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. ⁷In-house version of PTO/SB/08A (10-96).

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.

Applicant's Substitute for 1449A ⁷				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	10/717,687
(use as many sheets as necessary)				Filing Date	November 20, 2003
				First Named Inventor	Hai H. Trieu
				Group Art Unit	3738
				Examiner Name	
Sheet	2	of	3	Attorney Docket Number	4002-3111/PC817.00

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		Number	Kind Code ² (if known)			
		5,192,326		Bao et al.	03-09-1993	
		5,306,307		Senter et al.	04-26-1994	
		5,306,308		Gross et al.	04-26-1994	
		5,320,644		Baumgartner	06-14-1994	
		5,443,727		Gagnon	08-22-1995	
		5,534,028		Bao et al.	07-09-1996	
		5,534,030		Navarro et al.	07-09-1996	
		5,545,229		Parsons et al.	08-13-1996	
		5,549,679		Kuslich	08-27-1996	
		5,562,736		Ray/Dickhadt	10-08-1996	
		5,571,189		Kuslich	11-05-1996	
		5,645,597		Krapiva	07-08-1997	
		5,674,294		Bainville et al.	10-07-1997	
		5,674,295		Ray et al.	10-07-1997	
		5,674,296		Bryan et al.	10-07-1997	
		5,676,698		Janzen et al.	10-14-1997	
		5,702,454		Baumgartner	12-30-1997	
		5,716,416		Lin	02-10-1998	
		5,755,797		Baumgartner	05-26-1998	
		5,800,549		Bao et al.	09-01-1998	

Examiner Signature		Date Considered	
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¹ Unique citation designation number. ²See attached Kinds of U.S. Patent documents. ³ Enter Office that issued the document, by the two-letter code (WIPO) Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached. ⁷In-house version of PTO/SR/08A (10-96)

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				First Named Inventor	Hai H. Trieu
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Sheet	3	of	3	Attorney Docket Number	4002-3111/PC817.00

U.S. PATENT DOCUMENTS

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